

Article - State Government

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§10–111.

(a) (1) Except as provided in subsection (b) of this section, a unit may not adopt a proposed regulation until:

(i) after submission of the proposed regulation to the Committee for preliminary review under § 10–110 of this subtitle; and

(ii) at least 45 days after its first publication in the Register.

(2) (i) If the Committee determines that an appropriate review cannot reasonably be conducted within 45 days and that an additional period of review is required, it may delay the adoption of the regulation by so notifying the promulgating unit and the Division of State Documents, in writing, prior to the expiration of the 45–day period.

(ii) If notice is provided to the promulgating unit pursuant to subparagraph (i) of this paragraph, the promulgating unit may not adopt the regulation until it notifies the Committee, in writing, of its intention to adopt the regulation and provides the Committee with a further period of review of the regulation that terminates not earlier than the later of the following:

1. the 30th day following the notice provided by the promulgating unit under this subparagraph; or

2. the 105th day following the initial publication of the regulation in the Register.

(3) The promulgating unit shall permit public comment for at least 30 days of the 45–day period under paragraph (1)(ii) of this subsection.

(b) (1) The unit may adopt a proposed regulation immediately if the unit:

(i) declares that the emergency adoption is necessary;

(ii) submits the proposed regulation to the Committee and the Department of Legislative Services, together with the fiscal impact statement required under subsection (c) of this section; and

(iii) has the approval of the Committee for the emergency adoption.

(2) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the approval of the Committee may be given:

1. by a majority of its members who are present and voting at a public hearing or meeting of the Committee; or

2. if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, by its presiding Chairman or, if its presiding Chairman is unavailable, by its cochair.

(ii) If a member of the Committee requests a public hearing on the emergency adoption of a regulation, the Committee shall hold a public hearing.

(iii) 1. If a public hearing is held on the emergency adoption of a regulation, the Committee may not approve the emergency adoption except by a majority vote of the members present and voting at the hearing or at a meeting of the Committee subsequent to the hearing.

2. If a vote on the emergency regulation is not taken at the public hearing or immediately thereafter, the Committee members shall be provided at least 1 week's notice of the scheduling of any subsequent meeting to vote on the regulation.

(iv) Unless the Governor declares that immediate adoption is necessary to protect the public health or safety, the Committee may not approve the emergency adoption of a regulation earlier than 10 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(3) If there is no request for a public hearing, the staff of the Committee may poll, in person, by telephone, or in writing:

(i) the members of the Committee; or

(ii) if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, the presiding Chairman or the cochair.

(4) (i) The Committee may impose, as part of its approval, any condition.

(ii) The Committee shall impose, as part of its approval, a time limit not to exceed 180 days on each request for emergency status.

(iii) If the unit does not adopt the regulation finally before the time limit expires, the status of the regulation reverts to its status before the emergency adoption.

(5) The Committee may rescind its approval by a majority of its members present and voting at a public hearing or meeting of the Committee.

(c) (1) The fiscal impact statement, prepared by the unit and submitted under subsection (b) of this section, shall state:

(i) an estimate of the impact of the emergency regulation on the revenues and expenditures of the State;

(ii) whether the State budget for the fiscal year in which the regulation will become effective contains an appropriation of the funds necessary for the implementation of the emergency regulation;

(iii) if an appropriation is not contained in the State budget, the source of the funds necessary for the implementation of the emergency regulation; and

(iv) whether the emergency regulation imposes a mandate on a local government unit.

(2) If the emergency regulation imposes a mandate on a local government unit, the fiscal impact statement shall:

(i) indicate whether the regulation is required to comply with a federal statutory or regulatory mandate;

(ii) if the information may be practicably obtained given the emergency circumstances of the regulations, include an estimate of the impact of the emergency regulation on the revenues and expenditures of local government units; and

(iii) if applicable, and if the required data is available, include the estimated effect on local property tax rates.

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